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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/996,899  | 11/30/2001  | Howard Taub          | 10982142-1          | 3258             |
| 7590  | 04/20/2006  |                      | EXAMINER            |                  |
| HEWLETT-PACKARD COMPANY<br>Intellectual Property Administration<br>P.O. Box 272400<br>Fort Collins, CO 80527-2400 |             |                      | VAN BRAMER, JOHN W  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3622                |                  |

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/996,899      | TAUB ET AL.  |
|                              | Examiner        | Art Unit     |
|                              | John Van Bramer | 3622         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 February 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9,11-19,22-42 and 44-50 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9,11-19,22-42 and 44-50 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>113001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Response to Amendment***

1. The amendment filed on February 20, 2006 cancelled claim 43 and amended claims 3, 4, 6, 7, 13, 19, 22, 24, 30, 36, and 40. The amendment also added Claims 49 and 50. Thus, the currently pending claims addressed in this action are 1-9, 11-19, 22-42, and 44-50.

### ***Claim Rejections - 35 USC § 101***

2 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3 Claims 13-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program on a computer readable media is considered data on a disk which is non-functional descriptive material (See MPEP 2106). In order to meet the 35 USC 101 requirements the claimed invention must produce a "useful, concrete, and tangible result", and the invention as currently claimed is not capable of meeting these requirements. The invention is useful and concrete by virtue of the computer media on which it is stored. For example, a computer media such as a Floppy Disk is a physical object and therefore concrete. This concrete form could be used for many things such as a bookmark or drink coaster so it might be useful.

However, neither the computer media nor the computer program produces anything. A computer program is simply written text that is structured in such a way

that a compiler can convert this text into machine-readable code. For example, following is a simple computer program with a module configured to print "I am a program!":

```
class SimpleProgram {  
    public static void main(String args[])  
    {  
        printmodule();  
    }  
  
    public printmodule()  
    {  
        System.out.println("I am a program!");  
    }  
}
```

In its current state this computer program is not capable of producing anything. The first step in converting the computer program into patentable subject matter is that the computer program must be compiled into machine-readable code that a computing device can understand and storing it on a computer media. The act of compiling the program and storing it on a computer media results in software that is executable to perform the claimed steps which, while still non-statutory, is considered functional descriptive material. At this point the invention is now capable of producing a tangible result but is not able to produce a tangible result as specified in the MPEP.

In order to produce a tangible result, the software must be loaded on a computing device that executes the program to perform the claimed steps. The only manner in which a tangible result will be realized is when the software is executed. Until such a time, the invention does not meet the 35 USC 101 requirements.

The examiner suggests amending the claims to read:

Claim 13: An e-mail application stored on one or more computer readable media interacting with a computing device to perform the steps of:

- a. Receiving a content packet .....
- b. Verifying that an advertiser .....
- c. Establishing an acceptable payment value by comparing .....
- d. Rendering the content message .....
- e. Confirming that the content message .....

Claim 14: The e-mail program as recited in claim 13, where in the step of establishing an acceptable payment value comprises the steps identifying.....

Claims 15 – 19 should also be corrected to recite execution oriented steps that are similar to the above suggestions.

#### ***Claim Rejections - 35 USC § 112***

4 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5 Claims 22 – 29 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The applicant is claiming a printer containing modules that are configured interact with other computing devices over a network. The applicant has not defined any

structure relating to the claimed printer. In order to prosecute the claim the Examiner is assuming that the printer contains a processor that executes the claimed modules and some form of input and output ports that allow it to communicate over a network. Without the structure assumed by the examiner the printer would not be able to perform the steps recited in claims 22 – 29 and 49. The examiner suggests the applicant rewrite the claims to distinctly claim the structure of the printer that enables it perform the steps recited.

***Claim Rejections - 35 USC § 103***

6 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9, 11, 12, and 30-39 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210) in view of Dedrick (5,768,521).

Claim 1: Goldhaber discloses an apparatus for presenting content packages to a user, comprising:

- a. A processor (Col 9, lines 33-40).
- b. A memory with a content package stored thereon (Col 10, lines 39-63 and Col 15, lines 26-28); and

c. The content package including a message, a bank id, and a display value (Col 10, lines 39-63).

The Examiner notes Claim 1 is directed towards a server with three parts: a processor, a memory, and a content package (i.e. data) stored on the memory.

Since no action is being taken on the stored data, no patentable weight is given as to what the data is or what type of data it is. However, notwithstanding that,

Goldhaber does disclose a server with the same type of data stored thereon.

Furthermore, Dedrick also discloses an apparatus for presenting content packages to a user that includes a processor and a memory with a content package stored thereon that includes a plurality of values arranged in a pricing hierarchy for advertising information for each advertising message based on how well the user's profile matches the target user's profile (Col 5, lines 47-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of values with the content package stored in Goldhaber. One would have been motivated to have a plurality of values associated with the same content package in order to charge the advertiser based on the user's "worth" to the advertiser as in Dedrick.

Claim 2: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, but Goldhaber does not explicitly disclose that the message has a message identifier (e.g. name, number, code, etc.). However, Dedrick discloses identifying the message in the content package with a unique identifier (Col 3, lines 39-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to also uniquely identify the message in Goldhaber. One would have been motivated to include a message identifier in order to allow Goldhaber to correlate the message with the correct content provider when determining which content provider account to debit.

Claims 3 and 4: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer. It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the

advertisement and then a second value when the user interacts therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of Goldhaber's goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claim 5: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

Claim 6: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses instructions for receiving one of the values (Col 11, lines 45-58).

Claims 7-9: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses that at least one of the values is monetary, a credit on a purchase, or a credit slip (i.e. coupon)(Col 11, lines 8-44 and Col 18, lines 13-33).

Claims 11 and 12: Goldhaber and Dedrick disclose the apparatus of Claim 1 above, and Goldhaber further discloses receiving notice of receipt or recall (deletion) of the package (Col 5, line 54 – Col 6, line 2 and Col 17, lines 49-52).

Claim 30: Goldhaber discloses a method for presenting content packages to a user, comprising:

- a. Constructing and delivering a content package consisting of a message and a rendering value (Col 9, lines 62-67);
- b. Receiving notification of receipt of the content package (Col 5, line 54 – Col 6, line 2); and
- c. Crediting the value to the receiver (user)(Col 16, lines 13-17).

While Goldhaber does not explicitly disclose that the rendering value is one of a plurality of rendering values associated with the content package, Dedrick also discloses a method for presenting content packages to a user that includes constructing and storing a content package stored thereon that includes a plurality of values arranged in a pricing hierarchy for advertising information for each advertising message based on how well the user's profile matches the target user's profile (Col 5, lines 47-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of values with the content package stored in Goldhaber. One would have been motivated to have a plurality of values associated with the same content package in order to charge the advertiser based on the user's "worth" to the advertiser as in Dedrick.

Claim 31: Goldhaber and Dedrick disclose the method and apparatus of Claim 30 above, but Goldhaber does not explicitly disclose that the message has a message identifier (e.g. name, number, code, etc.). However, Dedrick discloses identifying

the message in the content package with a unique identifier (Col 3, lines 39-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to also uniquely identify the message in Goldhaber. One would have been motivated to include a message identifier in order to allow Goldhaber to correlate the message with the correct content provider when determining which content provider account to debit.

Claims 32 and 33: Goldhaber and Dedrick disclose the method program as in Claim 30 above, and Goldhaber further discloses providing the bank id (and account number) of the receiver (user)(Col 16, line 13-17).

Claim 34: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses the message is displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user interaction includes printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of input/output interactions between a user and information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user to print or play the message. One would have been motivated to include printing or playing the message as part of

Goldhaber's interactions in order to provide a more memorable experience for the user; thus, increasing the likelihood that the user will remember the message (advertisement) and, in case of message being in the form of a coupon as Goldhaber discloses, providing a hard copy of the coupon for the customary in-store redemption.

Claim 35: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses the message is an advertisement (Col 9, lines 62-67 and Col 15, lines 25-27).

Claim 36: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses verifying the bank account id and the funds therein (Col 7, lines 48-61).

Claim 37: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses instructions for receiving the value (Col 11, lines 45-58).

Claim 38: Goldhaber and Dedrick disclose the method as in Claim 30 above, and Goldhaber further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the

message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-32). It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the advertisement and then a second value when the user interacts therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of Goldhaber's goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claim 39: Goldhaber and Dedrick disclose the method of Claim 30 above, and Goldhaber further discloses digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

Claim 50: Goldhaber discloses a method for presenting content packages to a user, comprising:

- a. Constructing and delivering a content package consisting of a message and a rendering value (Col 9, lines 62-67)
- b. Verifying the bank account id and the funds therein (Col 7, lines 48-61)
- c. Receiving notification of receipt of the content package (Col 5, line 54 – Col 6, line 2); and
- d. Crediting the value to the receiver (user)(Col 16, lines 13-17).

While Goldhaber does not explicitly disclose that the rendering value is one of a plurality of rendering values associated with the content package, Dedrick also discloses a method for presenting content packages to a user that includes constructing and storing a content package stored thereon that includes a plurality of values arranged in a pricing hierarchy for advertising information for each advertising message based on how well the user's profile matches the target user's profile (Col 5, lines 47-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of values with the content package stored in Goldhaber. One would have been motivated to have a plurality of values associated with the same content package in order to charge the advertiser based on the user's "worth" to the advertiser as in Dedrick.

8. Claims 13-29 and 40-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber et al (5,794,210).

Claims 13, 22, 24, 40, 43, 45, and 49: Goldhaber discloses a method, apparatus, and computer program for presenting content packages to a user, comprising:

- a. Providing a computer processor (Col 9, lines 33-40);
- b. Storing a content package in memory (Col 10, lines 39-63 and Col 15, lines 26-28);
- c. The content package including a message, bank id, and display value (Col 10, lines 39-63);
- d. Instructions for receiving the value (Col 11, lines 45-58);
- e. Verifying the bank account id and the funds therein (Col 7, lines 48-61);
- f. Receiving notice of receipt of the package (Col 5, line 54 – Col 6, line 2);  
and
- g. Crediting the value to the receiver (user)(Col 16, lines 13-17)

While Goldhaber does not explicitly disclose that the user will preset a desired value level for the display value and that the computer program will only display messages with values which meet or exceed that level, it is disclosed that the user presets a number of criteria for the selection of which messages will be selected and displayed when the user is registering with the system. It is also inherent that only a limited number of messages from which to select may be displayed on the user's screen at one time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user to also set a minimum limit on the value of the message the user is willing to

accept. One would have been motivated to have the user in Goldhaber set such a minimum value level in order to increase the worth of Goldhaber's invention to the user by eliminating low value messages, thus presenting only the highest valued messages on the user's screen to increase the user's satisfaction with the system.

Claims 14, 18, and 42: Goldhaber discloses the method and computer program of Claims 13 and 40 above, and further discloses paying the display value to the user upon the message (advertisement) being displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user could receive additional payments for both displaying and interacting with the message, such as printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of interactions between a user and information being displayed on the user's computer. It is also well known for an advertiser to pay a first amount when a user is initially displayed an advertisement, and then pay a second amount if the user interacts with the advertisement in one of the above mentioned ways. For example, two well known methods for charging advertisers on the Internet are the pay-per-view and the pay-per-click-through methods. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transfer a first value to the user in Goldhaber upon initially displaying the advertisement and then a second value when the user interacts

therewith, such as printing or playing the advertisement. One would have been motivated to pay an additional value to the user in view of Goldhaber's goals of enticing the user to accept advertisements and of tracking the user's interactions therewith.

Claims 15, 25, 26, 47, and 48: Goldhaber discloses the apparatus, method, and computer program as in Claims 13, 22, and 40 above, and further discloses sending a notification upon completion of the funds transfer (Col 17, lines 44-63).

Claims 16, 17 and 46: Goldhaber discloses the method and computer program as in Claims 13 and 40 above, and further discloses the message is displayed to or interacted upon by the user. However, it is not explicitly disclosed that the user interaction includes printing or playing the message. The Examiner notes that the disclosed interacting with the message by the user would encompass all types of interactions to include viewing, clicking on, printing, playing, listening to, or downloading and storing the message. These are all well known types of input/output interactions between a user and information being displayed on the user's computer (e.g. Dedrick, Col 1, lines 30-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the user to print or play the message. One would have been motivated to include printing or playing the message as part of Goldhaber's interactions in order to provide a more memorable experience for the user; thus, increasing the likelihood

that the user will remember the message (advertisement) and, in case of message being in the form of a coupon as Goldhaber discloses, providing a hard copy of the coupon for the customary in-store redemption.

Claim 19: Goldhaber discloses the coupon program as in Claim 13 above, and further discloses providing the bank id (and account number) of the receiver (user)(Col 16, line 13-17).

Claims 20 and 21: Goldhaber discloses the coupon program as in Claim 13 above, and further discloses the computer program running on various user devices to include a personal computer. While it is not explicitly disclosed that the computer program is running on a printer, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the user device could include a printer, if the printer had the required computing capability, or if a computer has a built-in printing capability, such as the Wang™ word processors of the 1980's. The Examiner notes that the line between a computer with printing capabilities and a printer with computing capabilities is very fine and is quickly becoming non-existent with the emergence of multiple-use devices. Thus, Goldhaber's disclosure of various types of user devices would also encompass a printer with the necessary processing and memory capabilities or a computer with the necessary printing capabilities.

Claim 23: Goldhaber discloses the apparatus as in Claim 22 above, and further discloses deleting the message if the value is too low (Col 18, lines 49-50 and Col 19, lines 4-18). Goldhaber discloses the system deactivating the advertisement once the user has accessed (and received payment for) it and also the user deleting the message when it is no longer desired. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the system to delete messages that did not meet the user's criteria from the list of messages selected for delivery to the user. One would have been motivated to delete the messages that did not meet the user's minimum value level, in order to present only those messages that meet all of the user's selection criteria.

Claims 27-29: Goldhaber discloses the apparatus as in Claim 22 above, and further discloses that the value is monetary, a credit on a purchase, or a credit clip (i.e. coupon)(Col 11, lines 8-44 and Col 18, lines 13-33).

Claim 41: Goldhaber discloses the method as in Claim 40 above, and further discloses the message is an advertisement (Col 9, lines 62-67 and Col 15, lines 25-27).

Claim 44: Goldhaber discloses the method of Claim 40 above, and further discloses digitally signing the content package (Col 10, lines 9-38 and Col 16, lines 50-64).

***Response to Arguments***

9        Applicant's arguments filed February 20, 2006 have been fully considered but they are not persuasive.

- a.        The Applicant argues that neither the Goldhaber patent nor the Dedrick patent teach or suggest:
  - i.        A server from which a sender distributes content messages to one or more receivers as stated in Claim 1. However, Goldhaber specifically teaches such a combination in Col 9, lines 32 –67 where he states "A plurality of consumer computers are connected to a network. Also, connected to the network are a plurality of information servers" and that "Servers store information and disseminate it to consumer computers".
  - ii.       An e-mail program as stated in Claim 13. However, in Goldhaber's invention servers are disseminating information to consumer computers. This information can take many forms including e-mail as is disclosed in Col 6, lines 3 – 22.
  - iii.       A printer as stated in Claim 22. However, Goldhaber specifically states that his invention works with "computers and workstations having the ability to connect to network and being capable of running customized software supporting the service provided by the present invention. Aside from the new rejection raised relating to the structure of the printer in the claim, a printer containing memory in which an

email program is loaded, and able to execute that email program is consistent with the definition of a computer and therefore the term “printer” and “computer” are synonymous in Claim 22.

- iv. A method for distributing content messages to one or more receivers as stated in claim 30. However, Goldhaber specifically teaches this in Col 9, lines 32 –67 where he states “A plurality of consumer computers are connected to a network. Also, connected to the network are a plurality of information servers” and that “Servers store information and disseminate it to consumer computers”.
- v. A method for receiving content messages from one or more sender computer devices as stated in claim 40. However, Goldhaber specifically teaches this in Col 9, lines 32 –67 where he states “A plurality of consumer computers are connected to a network. Also, connected to the network are a plurality of information servers” and that “Servers store information and disseminate it to consumer computers”.

b. The applicant argues that Dedrick does not teach or suggest a plurality of values that indicate different amounts based on a manner of rendering that the sender offers to credit a receiver for rendering the message content. However, the Applicant fails to argue the Examiner’s motivation for including a plurality of values that indicate different amounts that was presented in the Office Action dates October 20, 2005. Additionally,

Goldhaber does disclose this feature in Col 11, lines 51 and Col 10 lines 39 – 57. Goldhaber teaches that each advertisement has different values associated with the displayed “CyberCoin” and that the user can select the advertisement based on value (displayed next to each CyberCoin”).

These values can vary based upon the advertiser or the amount of interaction required by the consumer. One of ordinary skill in the art would not mistake the cited sections to mean that every advertisement has the same value since the consumer would not choose advertisements that are long or require significant interaction unless they were appropriately compensated.

- c. The Applicant argues that neither Goldhaber nor Dedrick teach or suggest verifying that a sender or advertiser has sufficient funds to satisfy a rendering value. However Goldhaber discloses on Col 10, lines 1 – 8 that the financial clearinghouse is responsible for assuring consumers are compensated for paying attention to content delivered to them. Additionally, Col 10, lines 58 – 65 detail a system where direct payment of digital cash is handled directly through the consumers computer. Since, it is disclosed that this results in immediate direct electronic payment it is inherent that the value in the sender's account is sufficient to cover the transaction.
- d. The Applicant argues that neither Goldhaber nor Dedrick teach or suggest rendering a content message only if the value that the sender is willing to

pay the receiver is greater than or equal to a pre-determined value that the receiver requires. Again the Applicant has failed to argue against the Examiner's motivation for the inclusion of such a feature in the Office Action dated October 20, 2005. However, since the consumer selects individual advertisements they wish to view, based upon the displayed value of the "Cybercoin" next to the offer, they inherently elect to render content that is greater than or equal to their required value.

### ***Conclusion***

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*grb*  
jvb



ERIC W. STAMBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600